

DVR
W

LAW OFFICE OF
VINCENT D. McNAMARA
TOWER SQUARE

1045 Oyster Bay Road - Suite 1 - East Norwich, New York 11732

Telephone: (516) 922-9100

Fax: (516) 922-9208

E-Mail Address: info@vdm-law.com

VINCENT D. McNAMARA

Karen J. Walsh
Donald N. MacKENZIE
John F. Boland
Michael S. Seltzer
Anthony Marino
George R. Gridelli
Helen M. Bennis

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ MAY 10 2005 ★

April 27, 2005 BROOKLYN OFFICE

VIA FACSIMILE: (718) 260-2536

MAGISTRATE JOAN AZRACK
UNITED STATES DISTRICT COURT
Eastern District of New York
225 Cabman Plaza East
Brooklyn, New York 11201

Re: Marriott International, Inc. v. Vertical Excellence, Inc.

Docket No. : CV 03-1427 (N66)
Our File No. : 901-3004
Date of Loss : March 29, 2000

Dear Magistrate Azrack:

This office represents Vertical Excellence, Inc. in the defense of the above-referenced matter.

We were granted permission to file a Motion for Summary Judgment and agreed to have the matter decided by Magistrate Joan Azrack. The motion is complete and is to be filed before May 5, 2005. I personally do very little practice in the Federal Courts. In fact, this is my only case in the Federal Court. I was not aware of the electronic filing requirements or procedure.

Because our office also does very little federal practice, at present, we do not have the ability to scan the exhibits for the motion and file the motion pursuant to the ECF Guidelines by May 5, 2005. I contacted Ms. Carol McMann in the Federal Courthouse in Islip to arrange the necessary training and to learn what software and hardware our office needs to purchase and/or install to be able to file electronically.

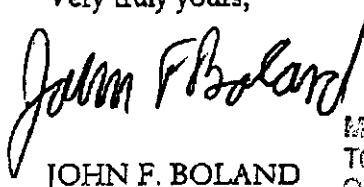
The person who handles the training, however, Ms. Evelyn Levine, is on vacation until May 2, 2005. Because I cannot receive the proper training before May 5, 2005, I ask for permission to file the

MAGISTRATE JOAN AZRACK
UNITED STATES DISTRICT COURT
Eastern District of New York
April 27, 2005
Page 2.

motion the "old fashioned" way. In the alternative, a 45-day extension to file the motion electronically is requested. (As the motion is completed, I would prefer to file it according to the briefing schedule previously agreed upon.) I was advised by the Clerk, and your chambers, that I would need an "Order" to file non-electronically.

Thank you for your kind attention and cooperation.

Very truly yours,


JOHN F. BOLAND

MOVANT'S COUNSEL IS DIRECTED
TO SERVE A COPY OF THIS ORDER
ON ALL PARTIES UPON RECEIPT

JFB:asl

cc: **GARBARINI & SCHER, P.C.**
Attention: William Scher, Esq.
432 Park Avenue South
New York, New York 10016
(via facsimile: 212-725-9630)

App. granted

USMG

4/28/05

MOVANT'S COUNSEL IS DIRECTED
TO SERVE A COPY OF THIS ORDER
ON ALL PARTIES UPON RECEIPT